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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,668	12/11/2003	Zorik Machulsky	FIS920030279US1	8873

23550 7590 07/17/2006

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EXAMINER

LAMARRE, GUY J

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/733,668	Applicant(s) MACHULSKY ET AL.	
	Examiner Guy J. Lamarre	Art Unit 2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

* Pursuant to 35 USC 131, **Claims 1-20** are presented for examination.

Claim Rejections - 35 USC ' 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

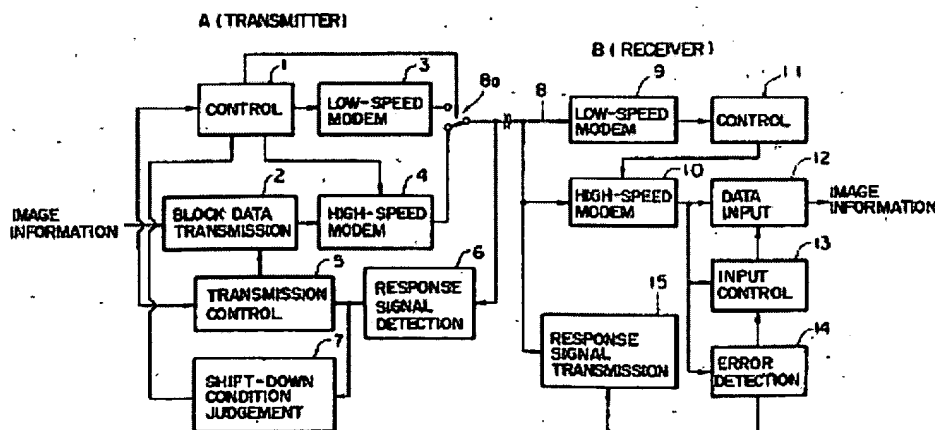
A person shall be entitled to a patent unless –

b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1.1 **Claims 1-20** are rejected under 35 U.S.C. 102 (b) as being anticipated by **Adachi** (USPN 4589111).

As per **Claims 1-20**, Adachi discloses equivalent approach of limiting number of retransmission attempts for data transfer comprising ARQ wherein, when a maximum/minimum number retransmission attempts is reached, data transfer rate is dynamically adjusted/optimized to reflect current channel condition, e.g., Figs 1-4 and related description, wherein *'the transmitter A also includes a shift-down condition judgement circuit 7 which counts*

F i g . 1



the number of trials of retransmission and, when the count has exceeded a predetermined value, apprises to the control circuit 1 of the fact that the shift-down condition has been established. Upon receipt of a shift-down command from the control circuit 1, the transmission control circuit 5 stops to receive further

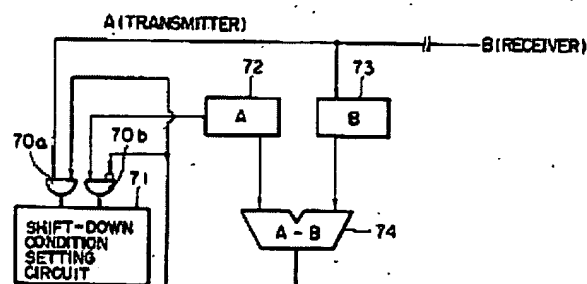
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image information after receiving a single frame of image information and returns a signal indicating shift-down ready status to the control circuit 1. Then, the control circuit 1 causes the switch 8a to be operated to have the low-speed MODEM 3 connected to the transmission line 8 instead of the high-speed MODEM 4, so that a shift-down request command is supplied from the low-speed MODEM 3 to the receiver B via the transmission line 8.

...As shown in FIG. 2, in accordance with the protocol of a facsimile communication system provided with the ARQ function, prior to the transmission operation of image information, the receiver B first (a called station) supplies a CED (Called Station Identification) signal and then three signals NSF (Non-Standard Facilities), CSI (Called Station Identification) and DIS (Digital Identification Signal) consecutively to the transmitter A. The transmitter A carries out function identification, and, after supplying an NSS (Non-Standard Facilities Set-up) signal, it transmits the image information of first page, followed by the step of supplying an EOM (End of Message) signal to the receiver B. Then, the receiver B sends out a MCF (Message Confirmation) signal, and, in response thereto, the transmitter A again sends out a NSS signal, followed by the step of transmission of the image information of second page. In the case of presence of following pages, when a MPS (Multi-Page Signal) signal is supplied from the transmitter A, the receiver B returns the MCF signal to the transmitter A after confirmation.

Adachi discloses equivalent comparison processing, e.g., in Fig. 4.

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Conclusion

* Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (571) 273-8300 for all formal communications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guy J. Lamarre, P.E., whose telephone number is (571) 272-3826. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert De Cady, can be reached at (571) 272-3819.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3609.

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Guy J. Lamarre, P.E.
Primary Examiner
7/10/2006
